

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929

Bail Appl.No. 7550 of 2007()

CRIME NO. 140/05 OF MUNAMPAM POLICE STATION
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PETITIONER : 2ND ACCUSED

UNNIKRISHNAN N.K., S/O.KUMARAN, AGED 25,
NIKATHUPARA HOUSE, EDAVANAKADU NORTH END,
(MAYA BAZAR, ERNAKULAM).

BY ADV. SRI.P.SHAIJAN JOSEPH

RESPONDENTS: COMPLAINANT

S.I. OF POLICE, MUNAMPAM POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 07/12/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A.No. 7550 of 2007

Dated this the 7th day of December, 2007

ORDER

Application for regular bail. The petitioner is the second accused. He, along with the co-accused, faces allegations in a crime registered under Sections 452, 307 and 324 I.P.C. Altogether there are 12 accused persons. The alleged incident took place on 19.5.2005. The petitioner was not named in the F.I.R. The injured person was in the I.C.U. initially. After he came out of the I.C.U. and when he was questioned the petitioner was named as one of the accused and he was brought on the array of accused. He had come to this Court claiming anticipatory bail along with the first accused and by order dt.17.9.2007 in B.A. No. 5504 of 2007 the said petition was dismissed. Facts have been adverted to in detail in that order. This order must be read in continuation of that order. I am not hence adverting to facts in any greater detail in this order.

2. Subsequent to that order the petitioner surrendered on 14.11.2007. He was given over to the police custody. Recoveries have been effected. Investigation is not complete. Many of the co-accused have not been arrested yet. The learned counsel for the petitioner prays that the petitioner, who has remained in custody from 14.11.2007, may now be enlarged on bail, subject to appropriate terms and conditions.

3. The learned Prosecutor does not oppose the application, but insists that the Investigator may be given some further time to complete the investigation. I am satisfied that the petitioner can now be directed to be enlarged on bail subject to appropriate safeguards as requested by the learned Prosecutor.

4. In the result:

1) This application is allowed.

2) The petitioner shall be released on bail on the following terms and conditions.

(a) The petitioner shall not be released from custody on the strength of this order prior to 14.12.2007. The Investigators shall in the meantime make every endeavour to complete the investigation.

(b) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(c) He shall make himself available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 for a period of two months from the date of his release and thereafter as and when directed by the Investigating Officer in writing to do so.

(R. BASANT)
Judge

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